

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ALEXANDER YAROMICH,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

CIVIL ACTION NO. 3:13-CV-1726

(JUDGE CAPUTO)

(MAGISTRATE JUDGE

CARLSON)

ORDER

NOW, this 21st day of October, 2014, upon review of the Report and Recommendation of Magistrate Judge Martin C. Carlson (Doc. 33), **IT IS HEREBY ORDERED** that:

(1) Magistrate Judge Carlson's Report and Recommendation (Doc. 33) is **ADOPTED**. Defendant's Motion to Dismiss for lack of subject matter jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(1), also construed as a Motion for Summary Judgment, (Doc. 23) is **DENIED** without prejudice.

(2) A plenary hearing before me on the contested facts in order to make a jurisdictional determination is scheduled for December 2, 2014 at 10:00 a.m., Courtroom 3, Max Rosenn United States Courthouse, 197 South Main Street, Wilkes-Barre, Pennsylvania.

/s/ A. Richard Caputo _____
A. Richard Caputo
United States District Judge